

**Notice of Allowability**

Application No.

10/803,239

Applicant(s)

MATSUO ET AL.

Examiner

Art Unit

Melur Ramakrishnaiah

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-18-2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

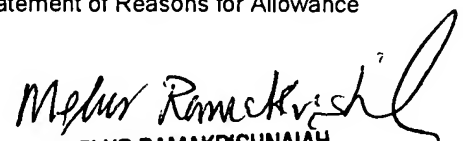
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3-18-04/1-21-05
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_.

  
MELUR RAMAKRISHNAIAH  
PRIMARY EXAMINER

***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance: The present invention relates to a videophone terminal that can convey the emotions and impressions of a user so they can be easily understood by a co-communicant.

The prior art of record in combination or alone fails to teach or suggest these elements of independent claims 1, 5, 6 in combination with other elements. Independent claim 1 has claim limitations such as a video processor for analyzing a picture obtained by a camera, identifying the location of a face in the picture, and extracting feature points of the face, an audio processor for analyzing audio obtained from a microphone, and processing the audio, and a virtual character generator for generating a virtual character based on the extracted feature points, wherein, when a predetermined operation is performed using a keyboard or when the audio processor identifies a predetermined keyword in the speech of a user, the virtual character generator generates modified picture of the virtual character or a predetermined picture, and then the generated picture is transmitted to the other terminal. Independent claim 5 has claim limitations in addition to limitations recited in the independent claim 1 above such as when a predetermined operation is performed for releasing a pending state by using a keyboard or when a face of an user operating the videophone before the pending state is recognized from a face obtained during the pending state by matching the feature points of both faces, the virtual character generator generates a picture indicating that the virtual character comes back on a screen and the audio processor generator generates a predetermined sound, the generated picture and the

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predetermined sound are transmitted to the other terminal, and then, the pending state is released. Independent claim 6 has claim limitations in addition to limitations recited in the independent claim 1 above such as when a predetermined operation is performed at the end of communication with the other terminal, the virtual character generator generates a picture indicating that the virtual character is disappearing from a screen and the generated picture is transmitted to the other terminal before a line is disconnected, and wherein plural types of picture indicating that the virtual character is disappearing from a screen are capable of being generated in accordance with the predetermined operation selected by the user. For the above reasons independent claims 1, 5-6, and dependent claims 2-4 are allowable.

2. Claims 1-6 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(6,825,873 B2) to Nakamura et al. discloses a TV phone apparatus that includes an image sensing element, ROM, CG processing section, and radio antenna. The image sensing element photographs real video of a speaker. The ROM stores in

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advance at least one substitute video of the speaker. The CG processing section extracts substitute video data from the ROM in place of real video data output from the image sensing element and executes graphics processing. The radio antenna transmits substitute video data output from the CG processing section to a partner of speech communication.

--(EP1179957A1) to Harada et al. discloses a portrait correspondence image processing unit (4) subjects the pickup image signal to an image modification processing such a defocusing processing so as to protect the portrait right of the calling party.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melur Ramakrishnaiah  
Primary Examiner  
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